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July 14, 2020

The Honorable Eric Komitee  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

*Re: United States v. Aleksandr Zhukov, 18 CR 633 (EK)*

Dear Judge Komitee:

On behalf of Aleksandr Zhukov, I write in advance of tomorrow's scheduled conference to preview an issue we intend to raise.

As we have previously argued, we believe that the circumstances of Mr. Zhukov's continued detention violate various constitutional guarantees, including his right to a speedy trial and the presumption of innocence. The current circumstances of Mr. Zhukov's detention also serve to violate his constitutional rights to counsel and effective assistance of counsel as defense counsel are about to begin their fifth month without the ability to meet with Mr. Zhukov in-person with a laptop, continue review the government's very substantial electronically-produced discovery, and prepare for trial. While the District's relevant standing order envisions the theoretical possibility of a jury trial in mid-September, our understanding from the District community is that a jury trial in September is unlikely, and the ability to convene a constitutionally-adequate petit juror may be impossible. We intend to prepare and file papers in support of a renewed motion for dismissal based on these constitutional violations.

Meanwhile, we move for a fact-finding hearing to require the government to prove that Mr. Zhukov's range under the Sentencing Guidelines is in fact 210 to 262 months, based on a purported loss of \$7 million. While the parties have respective confidence in the merit of their prospective cases at trial, the government has proffered the Guideline range as a justification for the continued detention of Mr. Zhukov. While the government has proffered its view of the applicable Guideline range, it has not proven that its analysis is correct, even assuming Mr. Zhukov's guilt of the charged crimes. Under the unprecedented circumstances of Mr. Zhukov's continued detention, we respectfully request that government be required to present evidence at a hearing that establishes that its estimate of the applicable range is correct. If the government has not

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already produced all evidence in support of its estimated range, we respectfully request that the government be required to do so in advance of the requested hearing.

In addition, we respectfully request that the Court permit defense counsel to respond in writing to the government's pending motion *in limine* thirty days before the rescheduled date of the trial, and that we reschedule oral argument on the motion for the next scheduled conference.

Respectfully submitted,

/s/ Andrew J. Frisch  
Andrew J. Frisch

Copies To:  
All Counsel